

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-vs-

11-CR-6083

DONNA BOON

Defendant

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This case was referred by order of the undersigned, docketed May 2, 2011, ECF No. 2, to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On September 10, 2012, Defendant Donna Boon filed an omnibus motion seeking various forms of relief, including applications to suppress wiretap evidence, statements, and tangible evidence, ECF No. 277.<sup>1</sup>

Regarding Defendant's applications to suppress, an evidentiary hearing was held before Magistrate Judge Payson on December 7, 2012, ECF No. 338, and a transcript of the proceeding was filed on January 11, 2013, ECF No. 353. On December 12, 2013, Magistrate Judge Payson filed a Report and Recommendation ("R&R"), ECF No. 449, recommending that Defendant's applications to suppress wiretap evidence, statements, and tangible evidence be denied. On January 28, 2014, Defendant filed objections to the R&R, ECF No. 466.

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<sup>1</sup>Boon withdrew her application to suppress jailhouse recordings.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the R & R to which objections have been made. Upon a *de novo* review of the R&R, ECF No. 449, including wiretap applications and warrants, the search warrant and application for 3658 Batavia Elba Townline Road, and the transcript of the evidentiary hearing and exhibits received, the Court accepts Magistrate Judge Payson's proposed findings and recommendations.

Accordingly, for the reasons set forth in Magistrate Judge Payson's R&R, ECF No. 449, Defendant's applications to suppress wiretap evidence, statements, and tangible evidence are all denied.

, IT IS SO ORDERED.

Dated: Rochester, New York  
February 13, 2015

ENTER:

/s/ Charles J. Siragusa

CHARLES J. SIRAGUSA  
United States District Judge